

BOARD OF APPEALS AGENDA

March 12, 2002

On Tuesday March 12, 2002 at 7:00 p.m. the Town of Clarence Board of Appeals will hear the following requests for variances:

OLD BUSINESS

TOWNE BMW - 8215 MAIN STREET

**APPEAL NO I
Donatello's Hair Salon
Commercial**

Requests the Board of Appeals approve and grant a ten foot (10') variance creating a zero foot (0') front lot line setback for a free standing sign at 8481 Sheridan Drive.

APPEAL NO I is in variance to L.L. 181-4 B 2, Commercial sign district.

**APPEAL NO II
Paul Riches
Residential A**

Requests the Board of Appeals approve and grant a two hundred square foot (200 sq.ft.) variance creating a nine hundred square foot (900 sq.ft) garage located at 4940 Ledge Lane. The existing garage is 440 sq ft, the proposed addition is 480 sq ft, for a total of 900 sq ft.

APPEAL NO II is in variance to Article II, section 30-13 B, accessory buildings.

**APPEAL NO III
Scott Ebersole
Agricultural**

Requests the Board of Appeals approve and grant a two hundred foot (200') variance creating a three hundred foot (300') front lot line setback for construction of a new home at 10976 Keller Road.

APPEAL NO III is in variance to Article V, section 30-27 B, size of yards.

**APPEAL NO IV
Rich & Lisa Lutley
Agricultural**

Requests the Board of Appeals approve and grant a six hundred foot (600') variance creating a seven hundred foot (700') front lot line setback for construction of a new home at 10145 Lapp Road.

APPEAL NO IV is in variance to Article V, section 30-27 B, size of yards.

ATTENDING: John P. Brady
John Gatti
Raymond Skaine
Arthur Henning
Ronald Newton
Eric Heuser

INTERESTED
PERSONS:

Sean Hopkins
Brandi Wagner
Paul Riches
Richard Lutley
Dan Michnik
Debbie Michnik
Scott Ebersole
Lori Korn
James Ebersole
David Fretz

OLD BUSINESS

8215 MAIN STREET (BMW DEALERSHIP)

Motion by Raymond Skaine, seconded by Arthur Henning to approve a thirty square foot (30 sq. ft.) variance to allow a sixty two square foot (62 sq. ft.) sign located at 8215 Main Street (BMW)

ALL VOTING AYE. MOTION CARRIED.

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APPEAL NO I
Donatello's Hair Salon
Commercial

Requests the Board of Appeals approve and grant a ten foot (10') variance creating a zero foot (0') front lot line setback for a free standing sign at 8481 Sheridan Drive.

DISCUSSION:

Attorney Sean Hopkins represented Brandi Wagner, who was in attendance, and is the owner of Donatello's Hair Salon. When she re-located her business from Williamsville, she retained the services of Quality Sign Company. Although the sign permit clearly states 10 feet from the property line, the sign person took it to mean 10 feet from the road. His client had nothing to do with the placement of the sign. If they have to move the sign it will cost approximately \$2000.00 to \$2500.00. She has also done extensive work on the building and the landscaping. This is zoned commercial, there is only one residence near the salon, and they have no objections. It does not cause any traffic safety issues, it is not that high or that close to the road. There would have to be two or three trees removed. There is a large scale development that is proposed for the north side of Sheridan Drive that will have

mixed uses, including commercial. It is clearly not residential at this intersection. The sign was put up in July 2001. Mr. Hopkins said the hair salon complained, and they don't want them there. Reflections had to move their sign back because it was too close to the street. They also applied for a variance and it was not granted. Ms Wagner said the sign at Reflections had a safety issue for the neighbor because it was too hard to pull out of the driveway. Also the color of the sign, and neighbors objected. Their sign aligns with the Country Day Care sign right near them on Sheridan Drive. Jim Callahan said there was a sign law change in 1999, and some of the signs that existed are not affected. Sean Hopkins said if you look at the existing signs that are similar to Donatello's, it is hard to argue that this sign will have an effect on the character of the neighborhood. Debbie Michnik spoke and said the problem is not that they are in the same

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business, it is the location of the sign. If it has to be so many feet from the center of the road, then it has to be so many feet from center of the road. I told everyone on this board that when there were sign hearings that came up, and the signs were not placed properly, I would be here. It has nothing to do with aesthetics, it has nothing to do with competition. Mr. Michnik said "The statement was made that you were going to enforce the regulation irregardless of what the situation was going to be. I am hoping that you are going to continue to follow the law." Ray Skaine said this situation was self created, because nobody double checked what you ordered. Sheridan Drive may become commercial, but the signs must be controlled where the signs are all back. We don't want it to look like Main Street. You had a problem with your installer. It is your property and your responsibility. Brandi Wagner said the Town did not advise her anything was wrong. Jim Callahan said you were notified that it had to be corrected. The law is the law, and we are responsible for enforcing the law. We need this corrected, whether by variance or relocation of the sign. Mr. Hopkins said he didn't think it was hurting anyone. Mr. Skaine said it is going to hurt the character of the neighborhood for future generations to come.